

ORDINANCE NO. 99 - 35

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT 99-SCA 94 COM 2 (HIMMELRICH); MODIFYING PAGE 94 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 3.74 ACRES GENERALLY LOCATED ON THE WEST SIDE OF JOG ROAD, APPROXIMATELY 480 FEET SOUTH OF WOOLBRIGHT ROAD FROM LOW RESIDENTIAL, 3 UNITS PER ACRE (LR-3) TO COMMERCIAL LOW-OFFICE, WITH AN UNDERLYING 3 UNITS PER ACRE (CL-O/3); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

1 WHEREAS, the Palm Beach County Local Planning Agency conducted a
2 public hearing on August 27, 1999, to review the proposed amendment to
3 the Palm Beach County Comprehensive Plan and made recommendations
4 regarding the proposed amendments to the Palm Beach County Board of
5 County Commissioners pursuant to Chapter 163, Part II, Florida
6 Statutes; and

7 WHEREAS, the Palm Beach County Board of County Commissioners, as
8 the governing body of Palm Beach County, conducted a public hearing
9 pursuant to Chapter 163, Part II, Florida Statutes, on September 23,
10 1999, to review the recommendations of the Local Planning Agency and to
11 consider adoption of the amendments; and

12 WHEREAS, the Palm Beach County Board of County Commissioners has
13 determined that the amendment complies with all requirements of the
14 Local Government Comprehensive Planning and Land Development Regulation
15 Act.

16 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
17 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

18 Part I. Amendments to the Future Land Use Atlas of the Land Use
19 Element of the 1989 Comprehensive Plan

20 The following amendment to the Land Use Element's Future Land Use
21 Atlas is hereby adopted and is attached to this Ordinance:

22 A. Future Land Use Atlas page 94 is amended as follows:

23 Application No.: 99-SCA 94 COM 2 (Himmelrich)

24 Amendment: From Low Residential, 3 units per acre (LR-
25 3) to Commercial Low-Office, with an
26 underlying 3 units per acre (CL-O/3);

27 General Location: On the west side of Jog Road, approximately
28 480 feet south of Woolbright Road;

29 Size: 3.74 acres;

1 Part II. Repeal of Laws in Conflict

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 Part III. Severability

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 Part IV. Inclusion in the 1989 Comprehensive Plan

11 The provision of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

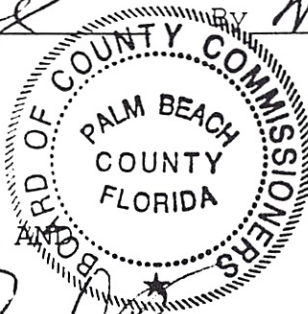
16 Part V. Effective Date

17 This amendment shall not become effective until 31 days after
18 adoption. If challenged within 30 days after adoption, this amendment
19 shall not become effective until the state land planning agency or the
20 Administration Commission, respectively, issues a final order
21 determining the amendment is in compliance.
22

1 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
2 Beach County, on the 23 day of September, 1999.

3 ATTEST: PALM BEACH COUNTY, FLORIDA,
4 DOROTHY H. WILKEN, Clerk BY ITS BOARD OF COUNTY COMMISSIONERS

5 By: Juan Rivera BY Maudie Ford Lee
6 Deputy Clerk Chair



7 APPROVED AS TO FORM AND
8 LEGAL SUFFICIENCY

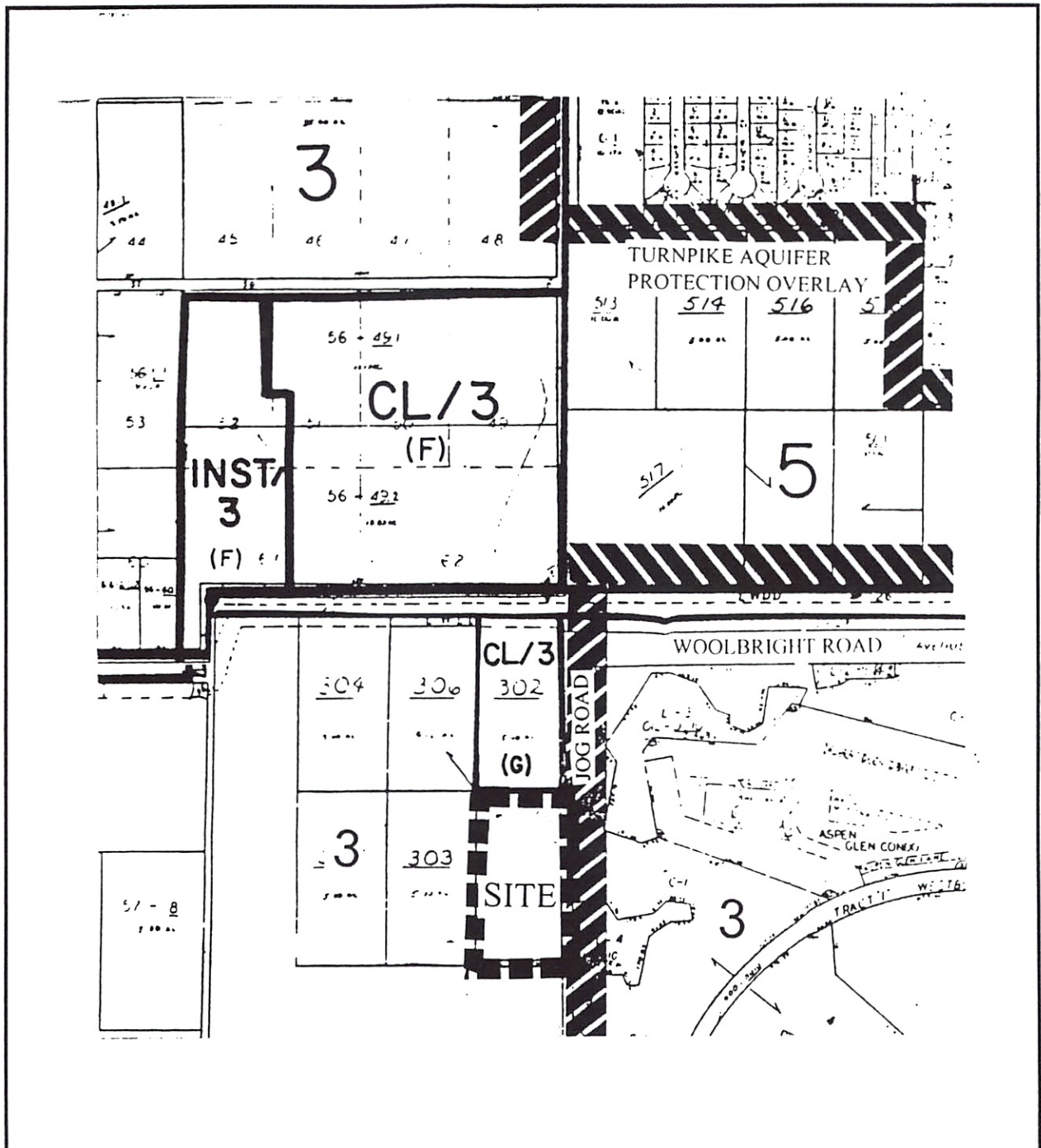
9 [Signature]
10 COUNTY ATTORNEY

11 Filed with the Department of State on the 30th day
12 of September, 1999.

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Future Land Use Atlas page 94 is amended as follows:

Legal Description: See attached



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Legal Description:

THE EAST HALF (E.½) OF THE SOUTHEAST QUARTER (S.E.1/4) OF THE NORTHEAST QUARTER (N.E.1/4) OF THE NORTHWEST QUARTER (N.W.1/4) EXCEPT THE EAST 20 FEET THEREOF AND THE SOUTH 23 FEET THEREOF, ALL IN SECTION 23, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THAT CERTAIN RIGHT OF WAY CONTAINING 0.885 ACRES, MORE OR LESS, CONVEYED TO PALM BEACH COUNTY CONSISTING OF A PORTION OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1579, PAGE 492, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 34; THENCE SOUTH 0°13'23" E., ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 34, A DISTANCE OF 665.70 FEET TO THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 34; THENCE N.89°39'01" W., ALONG SAID NORTH LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°39'01" W., ALONG SAID NORTH LINE, A DISTANCE OF 61.83 FEET THENCE S.1°08'23" E., A DISTANCE OF 113.91 FEET; THENCE S.0°13'23" N. ALONG A LINE 80.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 34, A DISTANCE OF 527.13 FEET; THENCE S.89°52'30" E., A DISTANCE OF 60.00 FEET THENCE N.0°13'23" W., ALONG A LINE 20.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SAID EAST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 34, A DISTANCE OF 640.78 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 7/23/99
DATED at West Palm Beach, FL on 10/14/99
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.